

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HERMAN BANDY,
Plaintiff

v.

TRC SOLUTIONS, INC., TRC
ENGINEERS, INC., TRC FIELD
SERVICES - TRC ENGINEERS,
INC.,
Defendants

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No. 1:22-CV-00144-DAE

ORDER

Before the Court are Plaintiff's Motions to Quash Subpoenas issued to AT&T, Dkt. 34, and Texas Land Services (TLS), Dkt. 41, and Defendants' Motion to Compel Discovery, Dkt. 36. The District Judge referred the motions to the undersigned for disposition. The Court set the motions for hearing. Dkt. 39. After considering the parties' filings, counsel's arguments at the hearing, and the applicable law, the Court announced its rulings on the motions, and the reasons for those rulings, on the record. This order memorializes those rulings.

The Court **GRANTS IN FULL** Plaintiff's Motion to Quash the subpoena issued to AT&T, Dkt. 34.

The Court **GRANTS IN PART and DENIES IN PART** Plaintiff's Motion to Quash the subpoena issued to TLS, Dkt. 41. In particular, the Court **ORDERS** TLS to produce any non-privileged documents responsive to the four categories of documents set out in Exhibit A, Dkt. 41-7, at 6, except that the relevant date range

should be confined to Plaintiff's dates of employment with Defendants which, based on counsel's representation at the hearing, was from January 8, 2019, through July 31, 2020. As to subcategory (1) of Exhibit A, TLS need not produce any checks or wire transfers. Moreover, as to subcategory (2), TLS must produce any responsive, non-privileged that were *in effect* (i.e., not merely generated or entered into) during the relevant time period.

The Court **GRANTS IN PART and DENIES IN PART** Defendants' Motion to Compel Discovery, Dkt. 36, and **OVERRULES IN PART and SUSTAINS IN PART** Plaintiff's objections to the discovery that is the subject of that motion consistent with the following **ORDER**:

Interrogatory No. 3: Plaintiff shall produce all responsive, non-privileged documents.

Interrogatory No. 5: The Court strikes from Defendants' request "unemployment insurance, workers' compensation benefits, disability benefits, child support, and any other form of assistance from any federal, state or local government agency, pensions or any other source." Subject to this modification, Plaintiff shall produce all responsive, non-privileged documents.

Request for Production No. 4: The Court strikes "Defendants or" from the request. Plaintiff shall produce all responsive, non-privileged documents to this request, as modified.

Requests for Production Nos. 6, 11, 16: Plaintiff shall produce all responsive, non-privileged documents.

Requests for Production Nos. 17, 18, 29: The Court denies the motion as to these requests, without prejudice to Defendants' seeking them after the documents ordered to be produced here have been produced and after Plaintiff's deposition has been taken, keeping in mind that such documents will only be ordered to be produced if the relevant information cannot be obtained from one of these sources.

The Court **FURTHER ORDERS** that Plaintiff and TLS shall produce the ordered discovery on or before November 20, 2023.

SIGNED November 6, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE